

Senate Bill 100

By: Senators Seabaugh of the 28th, Balfour of the 9th and Butterworth of the 50th

AS PASSED

A BILL TO BE ENTITLED

AN ACT

1 To amend Code Section 43-26-3 of the Official Code of Georgia Annotated, relating to
2 definitions relative to the "Georgia Registered Professional Nurse Practice Act," so as to
3 revise a definition; to amend Chapter 26 of Title 43 of the Official Code of Georgia
4 Annotated, relating to nurses, so as to prohibit the use of the title "nurse" unless licensed as
5 a registered professional nurse or a licensed practical nurse; to revise requirements for certain
6 applicants as a registered professional nurse; to revise requirements relating to nontraditional
7 nursing education programs; to amend Chapter 34 of Title 43 of the Official Code of Georgia
8 Annotated, relating to physicians and others, so as to revise certain requirements relative to
9 clinical perfusionists; to provide for related matters; to provide for an effective date; to repeal
10 conflicting laws; and for other purposes.

11 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

12 **SECTION 1.**

13 Code Section 43-26-3 of the Official Code of Georgia Annotated, relating to definitions
14 relative to the "Georgia Registered Professional Nurse Practice Act," is amended by revising
15 paragraph (1.2) as follows:

16 "(1.2) 'Approved nursing education program' located in this state means a nursing
17 education program approved by the board as meeting criteria established by the board.
18 An 'approved nursing education program' located outside this state means a nursing
19 education program that the board has determined to meet criteria similar to and not less
20 stringent than criteria established by the board. In order to be approved by the board, a
21 nursing education program must be one that is offered by:

22 (A) A unit of the University System of Georgia accredited by the Commission on
23 Colleges of the Southern Association of Colleges and Schools;

24 (B) An institution of the Technical College System of Georgia accredited by the
25 Commission on Colleges of the Southern Association of Colleges and Schools;

(C) A nonprofit postsecondary institution of higher education that is accredited by a regional accrediting agency recognized by the United States Department of Education;
 or
 (D) A proprietary institution of higher education that is accredited by a regional accrediting agency recognized by the United States Department of Education; or
(E) A nonprofit postsecondary institution of higher education that is a four-year institution that is not accredited in accordance with subparagraph (C) of this paragraph, but whose curriculum has been determined by the board to meet criteria similar to and not less stringent than criteria established by the board for other approved nursing education programs."

SECTION 1A.

Chapter 26 of Title 43 of the Official Code of Georgia Annotated, relating to nurses, is amended in Code Section 43-26-6, relating to the use of certain titles by licensed registered nurses or advanced practice registered nurses, by adding a new subsection to read as follows:
"(d) No person shall use the title 'nurse' or any other title or abbreviation that would represent to the public that a person is authorized to practice nursing unless the person is licensed or otherwise authorized under this article or Article 2 of this chapter."

SECTION 1B.

Said chapter is further amended in Code Section 43-26-33, relating to the use of certain titles by licensed practical nurses or applicants, by adding a new subsection to read as follows:
"(c) No person shall use the title 'nurse' or any other title or abbreviation that would represent to the public that a person is authorized to practice nursing unless the person is licensed or otherwise authorized under this article or Article 1 of this chapter."

SECTION 1C.

Said chapter is further amended in Code Section 43-26-7, relating to requirements for licensure as a registered professional nurse, by revising subsections (b), (c), and (e) as follows:

"(b) An applicant for licensure by examination shall:

(1) Submit a completed written application and fee;

(2)(A) Have graduated from an approved nursing education program, as defined in Code Section 43-26-3; or

(B)(i) Notwithstanding subparagraph (A) of this paragraph, have graduated from a nontraditional nursing education program approved by the board which meets the requirements in subsection (e) of this Code section; and

(ii)(I) If the applicant entered the nontraditional nursing education program as a licensed practical nurse and had an academic education as a licensed practical nurse that included clinical training in pediatrics, obstetrics and gynecology, medical-surgical, and mental illness, have with at least three two years of clinical experience in the five years preceding the date of the application in a health care facility an acute care inpatient facility or a long-term acute care facility as a licensed practical nurse, as approved by the board. Such clinical experience shall be documented in writing by the applicant's immediate supervisor stating that, in his or her opinion, the applicant has exhibited the critical thinking abilities, clinical skills, and leadership abilities that would indicate the ability to work as a beginning registered professional nurse whose academic education as a licensed practical nurse included clinical training in pediatrics, obstetrics and gynecology, medical-surgical, and mental illness, have completed a 350 hour postgraduate preceptorship arranged by the applicant under the oversight of a registered professional nurse where such applicant is transitioned from the role of a licensed practical nurse to a registered professional nurse. The preceptorship shall have prior approval of the board and successful completion of the preceptorship shall be verified in writing by the preceptor; or

(II) If the applicant entered the nontraditional nursing education program as a licensed practical nurse, had an academic education as a licensed practical nurse that included clinical training in pediatrics, obstetrics and gynecology, medical-surgical, and mental illness, and has at least two years of experience as a licensed practical nurse in any setting, although such experience shall be exclusive of night duty in a skilled nursing facility, but less than two years of experience in the five years preceding the date of the application in an acute care inpatient facility or a long-term acute care facility, as approved by the board, have completed a 320 hour postgraduate preceptorship. If the applicant can show that he or she cannot find a preceptorship in an acute care inpatient facility or a long-term acute care facility, the board may authorize a preceptorship pursuant to this subdivision in a skilled nursing facility, if such facility has 100 beds or more and such facility ensures to the board that the applicant will be providing health care to patients with similar health care needs as those patients in a long-term acute care facility;

~~(H)~~(III) If the applicant entered the nontraditional nursing education program as (1) a military medical corpsman or paramedic with at least two years of experience as a paramedic or (2) a licensed practical nurse with less than three two years of clinical experience in the five years preceding the date of the application in a health care facility an acute care inpatient facility or a long-term acute care facility as a

licensed practical nurse whose academic training as a licensed practical nurse did not include clinical training in pediatrics, obstetrics and gynecology, medical-surgical, and mental illness, have completed a ~~700-hour~~ 480 hour postgraduate preceptorship ~~arranged by the applicant under the oversight of a registered professional nurse and approved by the board.~~ Such preceptorship shall ~~include clinical practice in a health care facility~~ be in the area or areas as determined by the board on a case-by-case basis, which may include in pediatrics, obstetrics and gynecology, medical-surgical, mental illness, and transition into the role of a registered professional nurse. ~~The preceptorship shall have prior approval of the board, and successful completion of the preceptorship shall be verified in writing by the preceptor.;~~

(IV) If the applicant entered the nontraditional nursing education program as a military medical corpsman and has at least two years of experience as a military medical corpsman, have completed a postgraduate preceptorship of at least 480 hours but not more than 640 hours, as determined by the board; or

(V) If the applicant does not meet the requirements of subdivision (I), (II), (III), or (IV) of this division and the applicant ~~Applicants who, before July 1, 2008, entered a nontraditional nursing education program before July 1, 2008, which meets the requirements of subsection (e) of this Code section and complete~~ completes such program no later than June 30, ~~2011~~ 2015, have completed a 640 hour postgraduate preceptorship arranged by the applicant under the supervision of a registered professional nurse. The preceptorship shall have prior approval of the board, and successful completion of the preceptorship shall be verified in writing by the preceptor. The preceptorship shall be in an acute care inpatient facility or a long-term acute care facility; provided, however, that the board may authorize a preceptorship pursuant to this subdivision in other facilities to obtain specialized experience in certain areas shall be deemed to meet the criteria of this paragraph; provided, however, that the board shall have the discretion to require additional clinical hours of experience of applicants who (i) did not enter the nontraditional nursing education program as a licensed practical nurse, or (ii) entered the nontraditional nursing education program as a licensed practical nurse but does not have at least one year of clinical experience in a health care facility as a licensed practical nurse, if such applicant's clinical experience is deemed lacking by the board.

All preceptorships required pursuant to this division shall be arranged by the applicant under the close supervision of a registered professional nurse where such applicant is transitioned into the role of a registered professional nurse and the applicant

performs duties typically performed by registered professional nurses. Except as otherwise provided in subdivision (II) of this division, a preceptorship shall be in an acute care inpatient facility or a long-term acute care facility; provided, however, that the board may authorize a preceptorship in other facilities to obtain specialized experience in certain areas. The preceptorship shall have prior approval of the board, and successful completion of the preceptorship shall be documented in writing by the preceptor stating that, in his or her opinion, the applicant has exhibited the critical thinking abilities, clinical skills, and leadership abilities necessary to practice as a beginning registered professional nurse. No later than August 1, 2011, the board shall develop and make available one or more standard forms for use by and assistance to applicants in securing and completing preceptorships. Such form or forms shall include information relating to the specific requirements for preceptorships, including the minimum qualifications of the preceptor, the type of training required, and the documentation required upon completion of the preceptorship. The board shall make the determinations required by this division in accordance with its established guidelines;

(3) Pass a board recognized licensing examination; provided, however, that such examination may not be taken prior to graduation from the approved nursing education program. In no way shall the passage of such examination by a graduate of a nontraditional nursing education program who does not meet the other requirements of this subsection be construed to authorize such individual to practice nursing, to require the board to license such individual as a registered professional nurse other than to issue in its sole discretion a temporary permit pursuant to Code Section 43-26-8, or to be endorsed from another state as a registered professional nurse;

(4) Have satisfactory results from a fingerprint record check report conducted by the Georgia Crime Information Center and the Federal Bureau of Investigation, as determined by the board. Application for a license under this Code section shall constitute express consent and authorization for the board or its representative to perform a criminal background check. Each applicant who submits an application to the board for licensure by examination agrees to provide the board with any and all information necessary to run a criminal background check, including, but not limited to, classifiable sets of fingerprints. The applicant shall be responsible for all fees associated with the performance of such background check; and

(5) Meet such other criteria as established by the board.

(c) An applicant for licensure by endorsement shall:

(1) Submit a completed written application and fee;

(2)(A) Have passed a board recognized licensing examination following graduation from an approved nursing education program, as defined in Code Section 43-26-3; or
(B) Notwithstanding subparagraph (A) of this paragraph, have graduated from a nontraditional nursing education program approved by the board which meets the requirements in subsection (e) of this Code section;

(3) Submit verification of initial and current licensure in any other licensing jurisdiction administering a board recognized licensing examination;

(4)(A) Have practiced nursing as a registered professional nurse for a period of time as determined by the board or have graduated from a nursing education program within the four years immediately preceding the date of the application;

(B) ~~If the applicant graduated from~~ entered a nontraditional nursing education program as a licensed practical nurse whose academic education as a licensed practical nurse included clinical training in pediatrics, obstetrics and gynecology, medical-surgical, and mental illness, have practiced nursing as a registered professional nurse in a health care facility for at least one year in the three years preceding the date of the application, and such practice is documented by the applicant and approved by the board; provided, however, that for an applicant that does not meet the experience requirement of this subparagraph, the board shall require the applicant to complete a 320 hour postgraduate preceptorship arranged by the applicant under the oversight of a registered nurse where such applicant is transitioned into the role of a registered professional nurse. The preceptorship shall have prior approval of the board, and successful completion of the preceptorship shall be verified in writing by the preceptor; or

(C) If the applicant entered a nontraditional nursing education program as anything other than a licensed practical nurse whose academic education as a licensed practical nurse included clinical training in pediatrics, obstetrics and gynecology, medical-surgical, and mental illness, and have graduated from such program and practiced nursing as a registered professional nurse in a health care facility for ~~less than one year~~ at least two years in the ~~three~~ five years preceding the date of the application, and such practice is documented by the applicant and approved by the board; provided, however, that for an applicant that does not meet the experience requirement of this subparagraph, the board shall require the applicant to complete a, have completed a 350 hour postgraduate preceptorship of at least 480 hours but not more than 640 hours, as determined by the board, arranged by the applicant under the oversight of a registered professional nurse and where such applicant is transitioned from the role of a licensed practical nurse to into the role of a registered professional nurse. The preceptorship shall have prior approval of the board, and successful completion of the preceptorship shall be verified in writing by the preceptor., or

~~(D) If entered a nontraditional nursing education program as a military medical corpsman or paramedic and graduated from such program and practiced nursing as a registered professional nurse in a health care facility for less than one year in the three years preceding the date of the application, have completed a 700-hour postgraduate preceptorship arranged by the applicant under the oversight of a registered professional nurse. Such preceptorship shall include clinical practice in a health care facility in pediatrics, obstetrics and gynecology, medical-surgical, mental illness, and transition into the role of a registered professional nurse. The preceptorship shall have prior approval of the board, and successful completion of the preceptorship shall be verified in writing by the preceptor;~~

For purposes of this paragraph, the term 'health care facility' means an acute care inpatient facility, a long-term acute care facility, an ambulatory surgical center or obstetrical facility as defined in Code Section 31-6-2, and a skilled nursing facility, so long as such skilled nursing facility has 100 beds or more and provides health care to patients with similar health care needs as those patients in a long-term acute care facility;

(5) Have satisfactory results from a fingerprint record check report conducted by the Georgia Crime Information Center and the Federal Bureau of Investigation, as determined by the board. Application for a license under this Code section shall constitute express consent and authorization for the board or its representative to perform a criminal background check. Each applicant who submits an application to the board for licensure by examination agrees to provide the board with any and all information necessary to run a criminal background check, including, but not limited to, classifiable sets of fingerprints. The applicant shall be responsible for all fees associated with the performance of such background check; and

(6) Meet such other criteria as established by the board."

"(e) A nontraditional nursing education program shall meet the following requirements:

(1) Is part of an institution of higher education that is approved by the appropriate regulatory authorities of its home state;

(2) Holds regional and specialty accreditation by an accrediting body or bodies recognized by the United States Secretary of Education or the Council for Higher Education Accreditation;

~~(3) Requires its program applicants to be a licensed practical/vocational nurse, military medical corpsman, or paramedic;~~

~~(4)~~(3) Requires its students to pass faculty determined program outcomes, including competency based assessments of nursing knowledge and a summative performance assessment of clinical competency of a minimum of 2 1/2 days developed by faculty

subject matter experts that follows nationally recognized standards for educational testing; and

(5)(4) Its graduates pass a board recognized licensing examination at a rate equivalent to the minimum rate required for board approved traditional nursing education programs."

SECTION 1D.

Chapter 34 of Title 43 of the Official Code of Georgia Annotated, relating to physicians and others, is amended by revising the last sentence of paragraph (1) and adding a new paragraph to subsection (a) of Code Section 43-34-11, relating to continuing education, as follows:

"This paragraph shall not apply to respiratory care professionals, or persons seeking renewal of certification as respiratory care professionals, clinical perfusionists, or persons seeking renewal of licensure as a clinical perfusionist."

"(3) The board shall be authorized to require persons seeking renewal of licensure as clinical perfusionists under Article 7 of this chapter to complete board approved continuing education. The board shall be authorized to establish the number of hours of continuing education required biennially for renewal of licensure as a clinical perfusionist and the categories in which these hours should be earned. The board shall be authorized to approve courses offered by institutions of higher learning, specialty societies, or professional organizations. Any action taken by the board pursuant to this paragraph shall be taken in conformity with the provisions of Code Section 43-34-172."

SECTION 1E.

Said chapter is further amended by revising paragraph (6) of Code Section 43-34-171, relating to definitions relative to the "Clinical Perfusionist Licensure Act," as follows:

"(6) 'Perfusion' means the functions necessary for the support, treatment, measurement, or supplementation of the cardiovascular, circulatory, or respiratory system or other organ, or a combination of such activities, and to ensure the safe management of physiologic functions by monitoring and analyzing the parameters of the systems under the order and supervision of a physician, including, but not limited to:

~~(A) The use of extracorporeal circulation; long-term cardiopulmonary support techniques, including extracorporeal carbon dioxide removal and extracorporeal membrane oxygenation; and associated therapeutic and diagnostic technologies;~~

~~(B) Counterpulsation, ventricular assistance, autotransfusion, blood conservation techniques, myocardial and organ preservation, extracorporeal life support, and isolated limb perfusion;~~

~~(C) The use of techniques involving blood management, advanced life support, and other related functions;~~

~~(D) In the performance of the acts described in subparagraphs (A) through (C) of this paragraph:~~

~~(i) The administration of:~~

~~(I) Pharmacological and therapeutic agents; or~~

~~(II) Blood products or anesthetic agents through the extracorporeal circuit or through an intravenous line as ordered by a physician; or~~

~~(ii) The performance and use of:~~

~~(I) Coagulation monitoring and analysis;~~

~~(II) Physiologic monitoring and analysis;~~

~~(III) Blood gas and chemistry monitoring and analysis;~~

~~(IV) Hematological monitoring and analysis;~~

~~(V) Hypothermia and hyperthermia;~~

~~(VI) Hemoconcentration and hemodilution; and~~

~~(VII) Hemodialysis; and~~

~~(E) The observation of signs and symptoms related to perfusion services, the determination of whether the signs and symptoms exhibit abnormal characteristics, and the implementation of appropriate reporting, clinical perfusion protocols, or changes in, or the initiation of, emergency procedures.~~

(A) Extracorporeal support, including:

(i) Cardiopulmonary bypass for adult, pediatric, and neonatal patients;

(ii) Cardiopulmonary bypass for congenital and acquired cardiovascular disorders;

(iii) Extracorporeal circulatory support for renal, neurological, hepatic, and vascular surgery;

(iv) Extracorporeal resuscitation; and

(v) Extracorporeal circulation for long-term support of failing respiratory or cardiac function, or both;

(B) Associated extracorporeal support functions, including:

(i) Myocardial protection;

(ii) Hemofiltration and hemodialysis;

(iii) Anticoagulation and hemostasis monitoring, analysis, and intervention;

(iv) Thermal regulation, including hypothermia and hyperthermia;

(v) Blood gas and blood chemistry monitoring, analysis, and intervention;

(vi) Physiological monitoring, analysis, and intervention; and

(vii) Administration of blood components, pharmaceuticals, chemotherapeutic, and anesthetic agents as directed by a licensed physician;

(C) Heart failure therapy and support, including:

(i) Ventricular assist device management;

(ii) Intra-aortic balloon counterpulsation;

(iii) Temporary pacemaker management;

(iv) External counterpulsation;

(v) Transportation of patient on extracorporeal support; and

(vi) Periodic flow augmentation therapy;

(D) Blood management, including:

(i) Autotransfusion;

(ii) Platelet concentrate; and

(iii) Nondifferentiated progenitor cell harvest; and

(E) Other clinical functions, including:

(i) Isolated limb and organ perfusion;

(ii) Isolated limb and organ delivery of chemotherapeutics, progenitor cells, gene therapy vectors, and related matters;

(iii) Organ preservation;

(iv) Thermogenic lavage;

(v) Electrophysiological analysis; and

(vi) Intravascular membrane oxygenation.

Nothing in this paragraph shall be construed to prevent any licensed health care professional from performing any functions for which such health care professional is legally authorized to perform."

SECTION 1F.

Said chapter is further amended by revising subsections (a), (b), (f), and (g) in Code Section 43-34-174, relating to licenses, as follows:

"(a) A license is not the property of the holder but is the property of the board. A license to practice perfusion is shall be valid for two years. The board may provide that licenses expire on various dates. A person may renew an unexpired license by submitting proof of ~~current certification by the American Board of Cardiovascular Perfusion (ABCP) or its successor~~ and compliance with the continuing professional education requirements prescribed by the board and paying the required renewal fee to the board before the expiration date of the license.

(b) The license holder ~~must~~ shall:

(1) Display the license in an appropriate and public manner; or

(2) Maintain on file at all times during which the license holder provides services in a health care facility a true and correct copy of the license certificate in the appropriate records of the facility and keep the board informed of any change of address."

350 "(f) If a person's license has been expired for more than three months, the person may not
351 renew the license. The person may obtain a new license by ~~submitting to reexamination~~
352 ~~and~~ complying with the current requirements and procedures for obtaining a license.
353 ~~(g) The board may reinstate without reexamination an expired license of a person who was~~
354 ~~licensed in this state, moved to another state or states, is currently licensed or certified, and~~
355 ~~has been in practice in another state or states for two years immediately preceding the~~
356 ~~person's application to reinstate a license. The person shall pay the required fee as~~
357 ~~established by the board."~~

358 **SECTION 2.**

359 This Act shall become effective upon its approval by the Governor or upon its becoming law
360 without such approval.

361 **SECTION 3.**

362 All laws and parts of laws in conflict with this Act are repealed.